

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Nathaniel K. Owusu,
a.k.a. Nathaniel Porter,

Plaintiff,

Case No. 16-cv-12490

v.

Judith E. Levy
United States District Judge

Michigan Department of
Corrections Pain Management
Committee, et al.,

Mag. Judge Mona K. Majzoub

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION [138]

Before the Court is Magistrate Judge Majzoub's Report and Recommendation recommending the Court (1) deny Defendants Corizon Health, Inc., Wilson, Papendick, Buller, Grahn, Paquette, Millette, Hutchinson, and Johnson (the "Corizon Defendants") Motion for Discovery Sanctions for Failure to Comply with Court Order (Dkt. 109), (2) deny as moot Plaintiff's Motion for Enlargement of Time in Which to Reply to Defendant Corizon's Response to Plaintiff's Motion to Strike (Dkt. 120), and (3) deny Plaintiff's Motion for Sanctions Against Defendant Corizon for Failure to Serve Motion Papers Upon Plaintiff in

a Timely Manner and Abrogating His Opportunity to Respond/Reply (Dkt. 120). The parties were required to file specific written objections within 14 days of service. Fed. R. Civ. P. 72(b)(2); E.D. Mich. L.R. 72.1(d).

Plaintiff filed a paper (Dkt. 145), which indicates he has already complied with the September 7, 2017 Order in Plaintiff's Motion for Sanctions (Dkt. 109) by mailing defendants his discovery responses. (Dkt. 145 at 4.) Defendants wrote back to plaintiff, requesting that he sign a new authorization for release of medical records. (*Id.*) Plaintiff claims he mailed the requested authorization to defendants on or about December 12, 2017. (*Id.* at 2.) If this is the case, then defendants were obligated to notify the Court and withdraw their motion, which they did not do.

The Court has nevertheless carefully reviewed the Report and Recommendation, and concurs in the reasoning and result. Accordingly,

The Report and Recommendation (Dkt. 138) is ADOPTED;

The Corizon Defendants' Motion for Discovery Sanctions for Failure to Comply with Court Order (Dkt. 109) is DENIED;

Plaintiff's Motion for Enlargement of Time in Which to Reply to Defendant Corizon's Response to Plaintiff's Motion to Strike (Dkt. 120) is DENIED as MOOT; and

Plaintiff's Motion for Sanctions Against Defendant Corizon for Failure to Serve Motion Papers Upon Plaintiff in a Timely Manner and Abrogating His Opportunity to Respond/Reply (Dkt. 120) is DENIED.

IT IS SO ORDERED.

Dated: August 29, 2018
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on August 29, 2018.

s/Shawna Burns
SHAWNA BURNS
Case Manager